

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 07-cr-231-SM-1

Misty Lawrence

O R D E R

On May 27, 2008, defendant appeared for a "probable cause" hearing under Fed. R. Crim. P. 32.1 on one alleged violation of conditions of supervision. The government established probable cause to believe that defendant violated her condition requiring participation in a drug treatment program by leaving the evaluation. I therefore find probable cause to hold her for a revocation hearing.

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that she will not flee and that she poses no danger to any other person or to the community. Defendant has been adamant that she does not need inpatient treatment. She walked away from the LTG and Serenity evaluations. She has no solid residence. She has been defiant to the Probation Officer, to drug treatment personnel and even

refused to leave a private residence. She does not believe anyone can order her to do anything. Since I find that she is a danger, I order her to go to jail until the revocation hearing. The Marshal's service made her do what I ordered. There are no conditions which are likely to assure her presence and the safety of the community.

Accordingly, it is ORDERED that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United

States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: May 29, 2008

cc: Mark E. Howard, Esq.
Debra M. Walsh, Esq.
U.S. Marshal
U.S. Probation